

WILLKIE FARR & GALLAGHER LLP

SIMONA AGNOLUCCI (SBN 246943)

sagnolucci@willkie.com

JONATHAN A. PATCHEN (SBN 237346)

jpatchen@willkie.com

JENNIFER S. MAYBEE (SBN 239521)

jmaybee@willkie.com

BRANDON K. FRANKLIN (SBN 303373)

bfranklin@willkie.com

DANIEL P. MARTIN (SBN 306794)

dpmartin@willkie.com

ERICA S. MIRANDA (SBN 325188)

emiranda@willkie.com

ISABELLA MCKINLEY CORBO (SBN 346226)

icorbo@willkie.com

One Front Street, 34th Floor

San Francisco, California 94111

Telephone: (415) 858-7400

Facsimile: (415) 858-7599

WILLKIE FARR & GALLAGHER LLP

KATRINA M. ROBSON (SBN 229835)

krobson@willkie.com

1875 K Street, N.W.

Washington, DC 20006-1238

Telephone: (202) 303-1000

Facsimile: (202) 303-2000

Attorneys for Plaintiff and Counterdefendant

Ever.Ag, LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Ever.Ag, LLC, a Delaware Limited Liability
Company,

Plaintiff,

vs.

MILK MOOVEMENT, INC., a foreign
Corporation, and MILK MOOVEMENT,
LLC, a Delaware Limited Liability
Company,

Defendants.

MILK MOOVEMENT, INC., a foreign
Corporation,

Case No. 2:21-cv-02233-WBS-AC

**EVER.AG, LLC'S NOTICE OF
WITHDRAWAL OF NOTICE OF MOTION
AND MOTION TO COMPEL MILK
MOOVEMENT'S RESPONSE TO DAIRY'S
FOURTH SET OF INTERROGATORIES
[ECF NO. 405]**

Date: September 6, 2023

Time: 10:00 a.m.

Ctrm: 26, 8th Floor – Sacramento

Action filed: December 2, 2021

Trial Date: June 11, 2024

Magistrate Judge Allison Claire

Ctrm. 26, 8th Floor - Sacramento

Counterclaimant,
vs.
Ever.Ag, LLC, a Delaware Limited Liability
Company,
Counterdefendant.

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff and Counterdefendant Ever.Ag, LLC (“Ever.Ag”) hereby withdraws its Notice of Motion and Motion to Compel Milk Moovement’s Response to Dairy’s¹ Fourth Set of Interrogatories, Nos. 26-27 (the “Motion”) (ECF No. 405). Pursuant to this Court’s Order on August 21, 2023 (ECF No. 419), Ever.Ag’s Motion was re-set for hearing on the papers, with Joint Statements due on September 13, 2023.

The parties continued to meet and confer regarding the subject matter of the Motion and reached agreement that Milk Moovement would serve amended interrogatory responses. On September 1, 2023, Milk Moovement served amended responses to the interrogatories that were the subject of the Motion, via email. Therefore, Ever.Ag, LLC hereby respectfully withdraws the Motion without prejudice.

Dated: September 5, 2023

WILLKIE FARR & GALLAGHER LLP

Simona Agnolucci
Jonathan A. Patchen
Katrina M. Robson
Jennifer S. Maybee
Brandon K. Franklin
Daniel P. Martin
Erica S. Miranda
Isabella McKinley Corbo

By: /s/ Simona Agnolucci
Simona Agnolucci

Attorneys for Plaintiff and
Counterdefendant
Ever.Ag, LLC

¹ Dairy, LLC is the former name of Ever.Ag, see ECF No. 265.